



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 26, 2010

Michael Dwyer
Executive Director
Juvenile Products Manufacturers Association
15000 Commerce Parkway, Suite C
Mt. Laurel, New Jersey 08054
Via Email at mdwyer@ahint.com

Re: Drop-Side Cribs

Dear Mr. Dwyer:

I am writing to request that the Juvenile Products Manufacturers Association ("JPMA") take immediate and substantial action to address the hazards associated with drop-side cribs. As you are aware, almost 7 million cribs have been recalled since 2007 because of drop-side detachments. Twenty-one children have died when the drop-side of their crib detached, creating a gap that they slid into, where they suffocated.

The vast majority of these cribs, if not all of them, bore the JPMA seal.

Members of JPMA have been deeply implicated in these recalls. Of grave concern to me is the recall of 2 million Simplicity cribs due to drop-side failures. Simplicity cribs are responsible for 11 deaths. But because Simplicity is no longer in business, consumers who own a Simplicity crib are left without a remedy. Yet it appears that Ken Waldman, former CEO of Simplicity, still serves on your Board of Directors. As the representative of most crib manufacturers, JPMA has a unique opportunity, *and responsibility*, to take effective steps to remove these deadly cribs from the marketplace and to protect children from these dangerous products.

As you know, the voluntary standards that govern the design and testing of drop-side cribs have changed. The ASTM Committee that is responsible for issuing voluntary industry standards for cribs, contained in ASTM F1169-09, recently banned drop-side cribs. As a result of this ban, all drop-side cribs are now deemed "unsafe" under the Illinois Children's Product Safety Act, 430 ILCS 125/15(a), (c), and should be removed from stores.

Unfortunately, removing these cribs from stores is not enough. Families throughout the country are still using millions of drop-side cribs. JPMA is a nationwide organization with the ability to reach manufacturers, retailers and consumers. Because of JPMA's broad influence, I ask that JPMA take three immediate actions:

- Remove the JPMA seal from all drop-side cribs that remain on the market;
- Initiate an education and outreach campaign to inform consumers of the risks associated with drop-side cribs; and
- Provide consumers who have drop-side cribs with a purchase incentive in exchange for their unsafe crib.

JPMA should immediately remove its seal from all drop-side cribs currently in the marketplace. The JPMA Certification Seal is meant to guarantee consumers that the product was designed, built and tested to the very highest safety standards. Allowing the JPMA Certification Seal on drop-side cribs falsely assures consumers that these dangerous products are safe.

JPMA also should take immediate steps to address the risks associated with the millions of drop-side cribs that remain in homes and day care facilities nationwide. Specifically, JPMA should initiate an education and outreach campaign to reach families who are still using these drop-side cribs. JPMA should provide parents and caregivers with information to help them determine if their crib is safe.

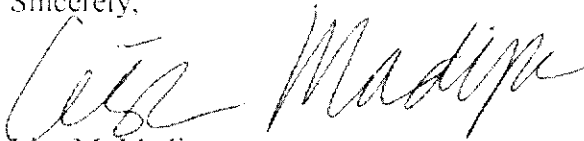
Without a remedy in place, however, we know that families will continue to use these products. JPMA is in a position to provide relief to struggling families who need a safe place for their child to sleep, but may not be able to afford a new crib. I suggest that the members of JPMA provide a purchase incentive – such as a 50 percent discount coupon towards the purchase of a fixed-side crib – to consumers who return a drop-side crib to any manufacturer or retailer. In particular, this incentive should be given to consumers who own cribs manufactured by Simplicity. This purchase incentive would significantly help in the effort to ensure that these dangerous cribs are removed from homes, day care facilities, and the second-hand market. It also would increase sales of new, safe cribs.

I am calling on JPMA to implement this three-part plan to remove dangerous drop-side cribs not only from the marketplace, but from the homes of unsuspecting parents and their children. By implementing these suggestions, JPMA would provide options to families who want a safe sleep environment for their child.

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If you have any questions or concerns, please contact Leah Wade, Assistant Attorney General, at (312) 814-3368, or by electronic mail at lwade@atg.state.il.us. I look forward to working with you to protect children and families from these unsafe products.

Sincerely,

A handwritten signature in cursive script, reading "Lisa M. Madigan". The signature is written in dark ink and is positioned above the printed name.

Lisa M. Madigan
Illinois Attorney General